

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of California

FILED

Jul 05 2024

Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

United States of America

v.

ELIJAH DOMINGUEZ

Case No. 4:24-mj-71021-JDP

Defendant(s)

FILED UNDER SEAL

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 30, 2024 in the county of Alameda in the
Northern District of California, the defendant(s) violated:*Code Section*
18 U.S.C. 115(a)(1)(B)*Offense Description*
Threatening to Assault/Murder a Federal Official

Maximum Penalties:

- Prison term: 10 years' imprisonment
- Supervised Release: 3 years
- Fine: \$250,000
- Mandatory \$100 special assessment
- Restitution

This criminal complaint is based on these facts:

Attached affidavit of U.S. Marshals Service Judicial Inspector April Reyes

☒ Continued on the attached sheet.Approved as to form /s/
AUSA Sailaja M. Paidipaty

Sworn to before me by telephone.

Date: 7/4/24 10:38 a.m.City and state: Sacramento, California/s/ April Reyes

Complainant's signature

April Reyes, USMS Senior Inspector

Printed name and title



Judge's signature

Hon. Jeremy D. Peterson, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF APPLICATION FOR SEARCH WARRANT

I, April Reyes, Senior Inspector with the United States Marshals Service (USMS), being duly sworn, state:

INTRODUCTION

1. I make this affidavit in support of an application for a criminal Complaint and arrest warrant charging **DOMINGUEZ, ELIJAH ANTHONY** with a violation of Title 18, United States Code, Section 115(a)(1)(B) (Threatening to Assault, Kidnap, or Murder a United States Official, United States Judge, Federal Law Enforcement Officer, or Other Official). The facts set forth below establish probable cause that on or about June 30, 2024, in the Northern District of California, with respect to Victim-1, a United States Magistrate Judge, and Victim-2, the Courtroom Deputy to Victim-1.

2. The facts in this affidavit come from my personal observations, my training and experience as a Senior Inspector of the USMS, information from records and databases, documents reviewed during the course of my investigation, and information obtained from other agents and witnesses. This affidavit does not set forth all of my knowledge about this matter; it is intended to only show that there is sufficient probable cause for the requested warrant.

AFFIANT BACKGROUND

3. I am a Special Inspector with the United States Marshals Service assigned to the Judicial Security Unit and have been so employed since June 9, 2010. I have a total of fourteen years of experience as a federal law enforcement officer and I have received hundreds of hours of criminal investigation training. I hold a certificate of completion from the Criminal Investigator Training Program, which I completed at the Federal Law Enforcement Training Center in Glynn, Georgia. I have been assigned to the Judicial Security Unit in the Northern District of California since 2019, where I have been responsible for judicial and building security, threat investigations, protection details, security briefings, security surveys, and oversight of court security officers. Prior to my position in the Northern District of California, I was based in the Eastern District of California and assigned to the Pacific Southwest Regional

Fugitive Task Force as a Criminal Investigative Deputy United States Marshal from 2014 to 2019

4. I am an investigator and law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7). I am empowered by law to conduct investigations, to execute search warrants, and to make arrests for offenses of Federal law, including offenses against government officials.

APPLICABLE STATUTES

5. Title 18, United States Code, Section 115(a)(1)(B) states: "Whoever threatens to assault, kidnap, or murder, a United States official, a United States judge, a Federal law enforcement officer, or an official whose killing would be a crime under [section 1114], with intent to impede, intimidate, or interfere with such official, judge, or law enforcement officer while engaged in the performance of official duties, or with intent to retaliate against such official, judge, or law enforcement officer on account of the performance of official duties, shall be punished as provided in subsection (b)."

6. Title 18, United States Code, Section 115(b) states, "A threat made in violation of this section shall be punished by a fine under this title or imprisonment for a term of not more than 10 years, or both, except that imprisonment for a threatened assault shall not exceed 6 years."

7. Title 18, United States Code, Section 1114 makes it unlawful to "kill[] or attempt[] to kill any officer or employee of the United States or of any agency in any branch of the United States Government (including any member of the uniformed services) while such officer or employee is engaged in or on account of the performance of official duties, or any person assisting such an officer or employee in the performance of such duties or on account of that assistance."

FACTS SUPPORTING PROBABLE CAUSE

A. Overview

8. On or about June 30, 2024, in the Northern District of California, Victim-2 (the

Courtroom Deputy to Victim-1, a U.S. Magistrate Judge), received several emails in reference to a civil lawsuit currently pending before Victim-1. I have reviewed all of these emails, two of which state that the sender will “start killing public officials” and specifically reference killing Victim-1 and Victim-2. Based on the context of the emails received by Victim-2, and for reasons set forth in greater detail below, I believe that the individual who sent the emails is DOMINGUEZ.

B. Threatening Communications

9. At approximately 9:15 a.m. on June 30, 2024, an individual using the email address `californiapeopleofthestateof@gmail.com` sent the following message to an official judicial email account used by Victim-2:

This is notice of destroyed documents by the clerk at the front desk reception desk I have sent in information regarding this court case to San Jose like I was told and mail was destroyed

You need to locate where my mail is

10. One of three attachments to the email contained a screenshot of a printed court document, specifically an Order Setting Initial Case Management Conference and ADR Deadlines, in *Elijah Dominguez v. Contra Costa County Library, et al*, 24-cv-02904-[REDACTED]. The case appears to currently be pending before Victim-1. The remaining attachments reflect screenshots of hard copy and electronic receipts from the U.S. Postal Service regarding an item sent to San Jose.

11. Approximately three minutes later, the same email address sent another email to Victim-2's official email address stating: “Are [sic] the information according to the United States postal office was delivered.” The email attached a screenshot of an email from the U.S. Postal Service confirming delivery of a package to the U.S. Courthouse in San Jose, California.

12. At approximately 9:23 a.m., Victim-2 responded to the first email and indicated that the sender was engaged in ex parte communications with the Court that are prohibited. Victim-2 indicated that if the sender wanted to address the Court, s/he would need to make an

appropriate filing on the docket. Victim-2 then provided a web link to this District's website providing guidance to pro se litigants. In the email, Victim 2 also noted that the sender for the email had left voicemail messages, which were also considered ex parte communications.

13. About seven minutes later, at approximately 9:30 a.m., the individual using the email address californiapeopleofthestateof@gmail.com responded:

Since you consider this an ex parte communication I'm going to send a Hitman to the judge's house [Victim-1's name] here is a picture of her home address I'll be sending people to her family as well I'm not going to play this game with you I'm just going to start killing public officials and I'm going to kill your family too

14. Attached to this email was the following screenshot:



15. The email also included a screenshot that appears to be a reference to Victim-1's home based on the content of the email. I do not believe, however, that the image in the

attachment is of Victim-1's home.

16. At approximately 9:47 a.m., the individual again emailed Victim-2's official email account stating,

They have been served properly but they refuse to acknowledge the service so I had to service another summons but because your agency has lost it what's going to happen is I'm just going to have to take these individual lives because you want to interfere and accept vibes so now I'm going to kill you and I'm going to kill the defendant room number five of the Marine corps engagement kill kill

17. Attached to this email were six screenshots of what appear to be email communication between the same email address, californiapeopleofthestateof@gmail.com, and an Assistant County Counsel in the Contra Costa County Counsel's Office. The subject line of one of the emails is the title of the civil litigation *Elijah Dominguez v. Contra Costa County Library, et al*, 24-cv-02904-[REDACTED]. Based on my review of all of these emails, and my training and experience, I believe that the individual at the Contra Costa Counsel's Office is representing the library being sued in the civil lawsuit. The dispute at issue in the emails appears to be whether the Contra Costa Counsel's Office was properly served in the lawsuit.

C. Identifying Dominguez

18. For several reasons, I believe that DOMINGUEZ is the individual who sent the emails to Victim-2 referencing harm to both Victim-1 and Victim-2.

- a. First, the initial email from the handle californiapeopleofthestateof@gmail.com attached a screenshot of the litigation where DOMINGUEZ is the plaintiff. The context of the communications indicate that the sender of the email is in fact one of the litigants of the case.
- b. Second, the screenshots attached to the final email sent to Victim-2 also reference the same civil litigation where DOMINGUEZ is a plaintiff. The context of those emails indicate that the sender is DOMINGUEZ who is discussing with defense counsel whether the lawsuit was properly served.
- c. Third, one of receipts attached to the initial email to Victim-2 indicates that a

package was sent from a post office in Crockett, California to the U.S. Courthouse in San Jose. Based on a public records check, I believe that DOMINGUEZ has family residing in Crockett.

- d. Finally, based on a review of DOMINGUEZ's criminal history, I know that DOMINGUEZ has been convicted previously of obstructing or threatening officials. A review of his rap sheet indicates the following:
- i. In 2016, he was convicted in Contra Costa County with a misdemeanor violation of California Penal Code § 148(A)(1) – Obstructing a Public Officer;
 - ii. In 2019, he was convicted in Contra Costa County with a misdemeanor violation of California Penal Code § 422 – Threatening Crime with Intent to Terrorize; and
 - iii. In 2021, he was convicted in Contra Costa County with a felony violation of California Penal Code § 69 - Obstructing/resisting an Executive Officer.

19. Taken together, I believe there is probable cause demonstrating that the sender of the emails to Victim-2 described above were sent by DOMINGUEZ.

CONCLUSION

20. Based on the information above, there is probable cause to that ELIJAH DOMINGUEZ has violated Title 18, United States Code, Section 115(a)(1)(B) (Threatening to Assault, Kidnap, or Murder a United States Official, United States Judge, Federal Law Enforcement Officer, or Other Official). Therefore, I respectfully request that the Court issue the proposed criminal Complaint and arrest warrant.

REQUEST FOR SEALING

21. I respectfully request that the Court issue an order sealing, until further order of the Court, the criminal complaint and the arrest warrant, and all papers submitted in support of the complaints and warrants, including this affidavit.

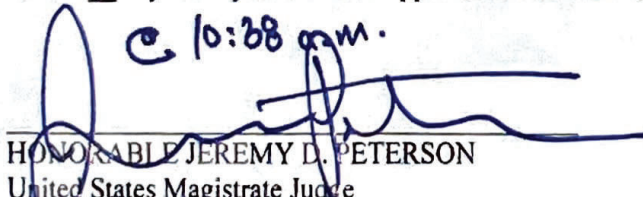
22. Because of the underlying threats in this case and DOMINGUEZ'S criminal history of obstructing officials, I believe that premature disclosure would frustrate law enforcement's ability to effectuate the orderly arrest of DOMINGUEZ.

I declare under penalty of perjury that the above is true and correct to the best of my knowledge.

/s/ April Reyes

April Reyes
Senior Inspector / Judicial Security Inspector
United States Marshals Service

Sworn to before me over the telephone and signed by me pursuant to Fed.R.Crim.P. 4.1 and 4(d) on this 1 day of July 2024. This application and warrant are to be filed under seal.


HONORABLE JEREMY D. PETERSON
United States Magistrate Judge